



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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April 9, 2018

Mr. Carmelo Melendez, Director  
Office of Legacy Management  
U.S. Department of Energy  
100 Independence Avenue, SW  
Washington, D.C. 20585

Subject: March 9, 2018 Letter to Mr. John Tappert Regarding Mine Waste Placement on the United Nuclear Corporation Superfund Site in Church Rock, NM

Dear Mr. Melendez:

Thank you for providing the Environmental Protection Agency (EPA) with a copy of your March 9, 2018 letter to Mr. John Tappert at the Nuclear Regulatory Commission. Your letter expressed concerns with a dual post-closure regulatory situation following the termination of the NRC license at the United Nuclear Corporation site. You also raised concerns about whether the current design will meet Uranium Mill Tailings Radiation Control Act (UMTRCA) requirements for a 1000-year design life and low maintenance.

We appreciate DOE raising the issue of clarifying post-closure roles and responsibilities. We share your goals of achieving a post-closure structure that is workable and acceptable to each agency while achieving our mission of being protective of public health and the environment. To this end, we support your proposal to hold an executive conference. As you know, Steven Miller, counsel for DOE, has coordinated an ongoing conference call with EPA, NRC, and the Department of Justice (DOJ) to discuss this issue. In addition, we understand that EPA Headquarters' Federal Facilities Restoration and Reuse Office's will meet with you on April 11, 2018 to address post-closure concerns at several sites where both EPA and DOE are currently involved.

With respect to the design concerns you raised, we want to assure you that compliance with the UMTRCA 1000-year design life and low-maintenance design standards are also legal requirements of the EPA remedy under 40 CFR § 192.02 (a) and 10 CFR § 61.23(e) respectively. Prior to approval of the final design, EPA will require UNC/GE to address these legal standards. After subsequent conversations with DOE's technical staff and legal counsel, we understand that DOE has confidence that the design review

process, overseen by EPA and then subject to NRC license review, is the appropriate path forward to address any outstanding technical concerns of DOE.

Please feel free to contact us at [edlund.carl@epa.gov](mailto:edlund.carl@epa.gov) (214) 665-8124 or [manzanilla.enrique@epa.gov](mailto:manzanilla.enrique@epa.gov) (415) 972-3843 if you have any additional questions or concerns. We look forward to continuing to work with your agency on this project.

Sincerely,



Carl Edlund, P.E.  
Director  
Region 6 Superfund Division



Enrique Manzanilla  
Director  
Region 9 Superfund Division

CC: John Tappert, NRC  
Steven Miller, DOJ  
Paul Leonard, FFRO  
Betsy Smidinger, Region 8